

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

10 APPEAL BRIEF ON BEHALF OF SHAULA ALEXANDER YEMINI
PURSUANT TO 37 C.F.R. 41.31

<i>APPLICANT:</i>	Shaula Alexander Yemini	<i>GROUP ART UNIT:</i>	2123
<i>U.S.S.N.:</i>	10/813,842	<i>CONFIRMATION NO.:</i>	6059
<i>FILING DATE:</i>	March 31, 2004	<i>EXAMINER:</i>	Kim, Eunhee
		<i>CUSTOMER NO.</i>	24227
<i>TITLE:</i>	<i>METHOD AND APPARATUS FOR MULTI-REALM SYSTEM MODELING</i>		

15

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ATTENTION: Board of Patents Appeals and Interferences

Dear Sir:

25 This is an Appeal Brief in connection with an Appeal from a final rejection
mailed August 17, 2009 in the above-identified application. A Notice of Appeal was previously
filed. This is filed with a two month extension and appropriate fees under 35 CFR 1.136 from
the date of decision of the pre-appeal brief which was mailed March 19, 2009. No additional
fees are believed due, however any fees required for consideration of this paper are authorized to
be charged per the Transmittal Form filed herewith.

Table of Contents

	(I) REAL PARTY IN INTEREST	3
	(II) RELATED APPEALS AND INTERFERENCES	3
10	(III) STATUS OF CLAIMS	3
	(IV) STATUS OF AMENDMENTS	3
	(V) SUMMARY OF THE CLAIMED SUBJECT MATTER	4
	(VII) ARGUMENT.....	8
	<i>A. Claims 1-5, 20-33, 44-45, 88-92, 107-118, 129-130, 147-151, 165-177, 187-188</i>	
15	<i>Are Not Anticipated By Bowman-Amuah</i>	<i>8</i>
	(VIII) CLAIMS APPENDIX.....	14
	(XI) CONCLUSION	34
	FOR THE REASONS GIVEN ABOVE, APPLICANTS RESPECTFULLY ASSERT	
	THAT THE REJECTION OF ALL.....	34
20		

5 (I) **Real Party in Interest**

The real party in interest is EMC Corporation, a corporation existing by virtue of the laws of the Commonwealth of Massachusetts.

10 (II) **Related Appeals and Interferences**

Applicants are unaware of any related appeals or interferences involving the instant appeal which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending action.

15

(III) **Status of Claims**

Claims 1-6, 20-33, 42, 44-45, 88-93, 107-118, 127, 129-130, 147-152, 165-177, 185, 187-188, are pending, stand rejected and are appealed.

20

Claims 7-10, 34-41, 43, 46-61, 63, 74-86, 94-106, 119-126, 128, 131-146, 153-165, 178-184, 186, 189-204, 210-222, 225-232, 234, 235, 237, 242-254, 269-175, 278, 281-196, 302 were previously cancelled without prejudice.

25

Claims 62, 64-71, 73, 87, 205-209, 223-224, 233, 236, 238-241, 255-268, 276, 277, 279, 297-301, 202-319 are cancelled

(IV) **Status of Amendments**

30 A listing of the claims is entered as an Appendix to this Appeal at section (VIII). No amendments have been filed subsequent to the final rejection. The claims have been twice and finally rejected so this appeal is timely as required under 37 CFR 1.191. Contemporaneous to this filing, Applicants have filed an amendment cancelling Claims 62, 64-71, 73, 87, 205-209, 223-224, 233, 236, 238-241, 255-268, 276, 277, 279, 297-301, 202-319.

5 (V) **Summary of the Claimed Subject Matter**

Independent Claim 1

Independent Claim 1 is directed to modeling a system having one or more components, the method comprising:

10 (a) dividing said system into one or more components; (pages 8, 14, 16, 17, 19, 21, 26, 30, 34, 35, 36, 42, 46, 47, Figures 19, 20, 30)

(b) defining a plurality of realms, wherein each of said realms contains objects representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the
15 system; wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms; (pages 2, 4, 5, 17, 21, 22, 25, 29, 31, 33, 34, 36, 48 and Figures 3-5)

(c) defining associations between said plurality of realms to unify objects in said plurality of realms, wherein said associations represent an identification of said at least one
20 object common to at least two of said plurality of realms; (pages 8, 14, 16-21, 23-25, 28, 29, 31, 32, 34, 35, 38, 40, 42, 48 and Figures 2, 12)

(d) unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms; and (pages 8, 16, 23, 28, 35 and Figures 2, 10)

25 (e) processing a function in a first realm of said plurality of realms independent of said other realms of said plurality of realms (page 16 line 24- page 17 line 2; page 22 line 23-page 23 line 12)

(f) propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at
30 least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm. (page 23 line 1-12; page 26 line 1-10; page 32 line 25-page 33 line 2)

Independent Claim 88

A computer program product in computer-readable media for modeling a system having one or more components, the computer program product comprising instructions for causing a computer to:

- 10 (a) divide said system into one or more components wherein components include at least one physical element of the system; (pages 8, 14, 16, 17, 19, 21, 26, 30, 34, 35, 36, 42, 46, 47, Figures 19, 20, 30)
- (b) define a plurality of realms including objects therein representing attributes and relationships of said one or more components, wherein said one or more components represented
15 include at least one physical element of the system (pages 2, 4, 5, 17, 21, 22, 25, 29, 31, 33, 34, 36, 48 and Figures 3-5)
- (c) define associations between realms sufficient to unify the realms, wherein said associations represent at least one object common to at least two of said realms; (pages 8, 14, 16-21, 23-25, 28, 29, 31, 32, 34, 35, 38, 40, 42, 48 and Figures 2, 12)
- 20 (d) unify objects in the realms based on said associations; (pages 8, 16, 23, 28, 35 and Figures 2, 10)
- (e) process a function in a realm independent of said other realms, and based on said process; and (page 16 line 24- page 17 line 2; page 22 line 23-page 23 line 12)
- (f) propagate a behavior of one of the unified objects of one realm to said unified
25 object of another realm using at least one association between the one realm and the another realm. (page 23 line 1-12; page 26 line 1-10; page 32 line 25-page 33 line 2)

Independent Claim 147

An apparatus for modeling a system having one or more components, the apparatus comprising:

5 (a) means for dividing said system into one or more components wherein components include at least one physical element of the system; (pages 2, 4, 5, 17, 21, 22, 25, 29, 31, 33, 34, 36, 48 and Figures 3-5)

 (b) means for defining a plurality of realms including objects therein representing attributes and relationships of said one or more components, wherein said one or more
10 components represented include at least one physical element of the system; (pages 2, 4, 5, 17, 21, 22, 25, 29, 31, 33, 34, 36, 48 and Figures 3-5)

 (c) means for defining associations between realms sufficient to unify the realms, wherein said associations represent at least one object common to at least two of said realms; (pages 8, 14, 16-21, 23-25, 28, 29, 31, 32, 34, 35, 38, 40, 42, 48 and Figures 2, 12)

15 (d) means for unifying objects in the realms based on said associations; (pages 8, 16, 23, 28, 35 and Figures 2, 10)

 (e) means for processing a function in a realm independent of said other realms, and based on said processing means; and (page 16 line 24- page 17 line 2; page 22 line 23-page 23 line 12)

20 (f) means for propagating a behavior of one of the unified objects of one realm to said unified object of another realms using at least one association between the one realm and the another realm. (page 23 line 1-12; page 26 line 1-10; page 32 line 25-page 33 line 2)

5 (VI) **Grounds for Rejection to be reviewed on Appeal**

A. Whether Claims 1-5, 20-33, 44-45, 88-92, 107-118, 129-130, 147-151, 165-177, 187-188, are unpatentable over Bowman-Amuah (U.S. Patent No. 6,289,382) under 35 U.S.C. § 102(b).

10

B. Whether Claims 6, 93, and 152 are unpatentable over Bowman-Amuah in view of Semeria (Multiprotocol Label Switching: Enhancing Routing in the New Public Network) under 35 U.S.C. § 103(a) and whether Claims 42, 127, 185, 233, 277, 301, 305, 308, 311 and 314 are unpatentable over Bowman-Amuah in view of McGee et. al., (U.S. Pub. No. 2003/0079160) under 35 U.S.C. § 103(a).

15

5 (VII) **Argument**

A. Claims 1-5, 20-33, 44-45, 88-92, 107-118, 129-130, 147-151, 165-177, 187-188 Are Not Anticipated By Bowman-Amuah

Applicants hereby respectfully request review of the Final Office Action of August 17, 2009 as the cited art is insufficient to reject Applicants' claims under 35 U.S.C. § 102(b). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Ca.*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP § 2131. Here, independent Claims 1, 62, 88, 147, 205, and 236 are the method, system, computer product, and apparatus versions of each that were rejected together under 35 U.S.C. § 102(b) as anticipated by Bowman-Amuah, U.S. Patent No. 6,289,382, (Bowman-Amuah). Applicants respectfully assert that Bowman-Amuah cannot be used as a proper § 102(b) rejection as it does not disclose each and every element of the claimed invention. Specifically, Applicants assert Bowman-Amuah does not expressly or implicitly disclose, at least, the claim features as recited in independent Claim 1 that is representative of all other independent Claims: "defining associations between realms . . ." where "unifying objects" are based on "said associations." The rejection of all other Claims relies on this 35 U.S.C. § 102(b) rejection of the independent Claims. As such, Applicants request that the rejection be removed as to all claims mentioned above.

Bowman-Amuah does not expressly disclose "defining associations between realms . . . [where] unifying objects" are based on "said associations"

Applicants respectfully aver that Bowman-Amuah does not expressly disclose the "defining of associations" and "unifying objects" based on such associations as disclosed in the

5 independent claims. Specifically, independent Claim 1, which contains this feature and is generally representative of all independent claims, states:

A method for modeling a system having one or more components, comprising:

(a) dividing said system into one or more components

(b) defining a plurality of realms, wherein each of said realms contains objects
10 representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the system; wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms;

(c) defining associations between said plurality of realms to unify objects in said
15 plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms;

(d) unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms; and

(e) processing a function in a first realm of said plurality of realms independent of
20 said other realms of said plurality of realms

(f) propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm.

25 Applicants assert that nowhere in Bowman-Amuah are “defining associations” and “unifying objects” based on such associations claimed or described. The Examiner, however, asserts that transforming Business Components into Partitioned Business Components while keeping the encapsulation satisfies the “unifying objects” limitation of independent Claim 1.

5 Office Action dated 8/17/2009 at 14; Bowman-Muah at 127:20-23. Applicants respectfully disagree.

Applicants maintain that Bowman-Muah does not disclose “Business Components transforming to Partitioned Business Components,” as “Business Components transforming to Partitioned Business Components,” is not equivalent to the recited steps of “defining
10 associations” and “unifying objects.” Applicants’ claim recites unifying objects based on associations whereas Bowman-Amuah describes breaking down of complex elements into smaller, cohesive elements. Office Action dated 8/17/2009 at 13-14. Particularly, Bowman-Amuah does not expressly define the process of transforming, and the context in which the term “transformation” has been used within Bowman-Amuah, to denote compartmentalization of data,
15 does not support the Examiner’s position of transformation being equivalent to “unifying.”

For example, Bowman-Amuah provides: “FIG. 54 [which] illustrates a flowchart for a method 5400 for providing an abstraction factory pattern. Data is received and transformed into a plurality of concrete objects in operations 5402 and 5404.” Bowman-Amuah at Figure 54; 191:15-18. In another context, Bowman-Amuah describes, “one transforms the various types of
20 raw data into a corresponding variety of concrete object types, all of which share a common abstract interface. This transformation will be encapsulated within an Abstraction Factory.” 191:59-62. In yet another example, Bowman-Amuah discloses, “[v]ideo services allow components to interface with video streams such as video surveillance. Video services can add simple video monitor capabilities to a computer, or they can transform the computer into a
25 sophisticated video platform with the ability to generate and manipulate video.” 61:42-47. Accordingly, in Bowman-Amuah, the transforming involves a breaking down process from one

5 element to several other elements – smaller, cohesive. Consequently, transforming as used in Bowman-Amuah cannot be interpreted to be the “unifying” feature of independent Claim 1.

Additionally, Applicants respectfully assert that the encapsulation process cannot be equated to the “unifying objects based on associations” recited in the claims. Specifically, Bowman-Muah states, “[t]his concept of packaging data, structures, and procedures together in
10 one component or module is called encapsulation.” 10:56-11:2. Conversely, the feature recited by Applicants, the “unifying objects based on associations,” is not equivalent to a mere packaging of data.

In the application, it is stated the term “unification” refers to the manual or automated process of recognizing that two or more objects represent the same component or portions
15 thereof, or collection of components; or that two or more objects are related because they represent related components. Application at 16. Also, the term “association” refers to two or more objects of different realms representing the same system component or the same collection of system components; or an object representing a relationship or relationships between system components. Application at 16. Consequently, describing a packaging of data and nothing more
20 is not equivalent to and does not describe the full breath of this particular feature of Claim 1 which states the unifying of objects to be committed based on: 1) defining associations between realms; 2) identifying such associations to unify objects; and 3) unifying objects based on such associations. Furthermore, the transformation of the Business Component to the Partitioned Business Component with the same encapsulation (Bowman-Amuah at 127:16-25) shows that
25 the packaging of data does not consider associations, which are affected by changes in realms and objects (i.e., Business Component to Partitioned Business Component). Hence,

5 “maintaining encapsulation” as asserted and interpreted by the Examiner, is not equivalent to this recited feature.

Lastly, the fact that a Business Component is being transformed to a “Partitioned” Business Component presumes that certain objects have been broken down as opposed to the recited feature of unification. Bowman-Amuah supports such a proposition: “[w]hereas Business
10 Components model real-world concepts in the business domain, Partitioned Business Components implement those concepts in a particular environment.” 126:2-3.

As a result, Bowman-Amuah does not set forth these elements as recited in independent Claims 1, 62, 88, 147, 205, and 236. Therefore, Applicants assert that the 35 U.S.C. §102 rejection based on Bowman-Amuah relied upon by the Examiner is improper and does not teach
15 or suggest the invention as recited in independent Claims 1, 88, and 147. Accordingly, Claims 1, 88, and 147 are allowable over the cited art and the rejection under 35 U.S.C. §102 should be withdrawn. Claims 2-5, 20-33, 44-45, 89-92, 107-118, 129-130, 148-151, 165-177, 187-188, depend on independent Claims 1, 88, and 147 respectively, and are allowable for at least the reasons of independent Claims 1, 88, and 147. Applicants respectfully request that the Board
20 remand this matter in Applicants favor, the rejection be withdrawn, and the claims be placed in condition for allowance.

B. Claims 6, 93, and 152, Are Not Rendered Obvious Over Bowman-Amuah In View of Semeria, and Claims 42, 127, and 185 Are Not Rendered Obvious Over Bowman-Amuah In View of McGee.

25 Both the combination of Semeria with Bowman-Amuah and the combination of Bowman-Amuah and McGee fail to disclose the claimed invention. In the Final Office Action, dependent Claims 6, 73, 93, 152, 209, and 241 were rejected under 35 U.S.C. § 103(a) over

5 Bowman-Amuah in view of Semeria, and dependent Claims 42, 127, 185, 233, 277, 301, 305, 308, 311 and 314 were rejected over Bowman-Amuah in view of McGee.

In *Teleflex v. KSR*, the Supreme Court stated that a proper 35 USC 103 rejection requires the following steps be performed: (1) Determining the scope and content of the prior art; (2) Ascertaining the differences between the claimed invention and the prior art; and (3) Resolving
10 the level of ordinary skill in the pertinent art. *Teleflex Inc. v. KSR Int'l Co.* 127 S.Ct. 1727, 1741, 82 USPQ.2d 1385, 1396 (2007). This three part test has also been reemphasized and promulgated in the Federal Register. *Federal Register*, Vol. 72, No. 195.

Here, Bowman-Amuah does not disclose “defining associations between realms . . . [where] unifying objects” are based on “said associations” as stated above. Applicants
15 respectfully assert neither Semeria nor McGee expressly discloses this limitation. Further, Applicants note that neither Semeria nor McGee were asserted to disclose this feature. Applicants also assert that one skilled in the art would not bridge the gap between Bowman-Amuah and Semeria or McGee to reach the claimed invention. Therefore, Applicants assert that the combination of Bowman-Amuah over Semeria and McGee relied upon by the Examiner is
20 improper and does not teach or suggest the invention. Accordingly, it is submitted that the dependent claims are allowable over the combination of references for at least the reason they serve to further limit an allowable claim. Hence, Applicants respectfully request the rejection under 35 U.S.C. §103 should be reversed and the matter remanded.

Thus, Applicants respectfully request removal of the obviousness rejection of Claims 6,
25 93, and 152 over Bowman-Amuah in view of Semeria, and for the removal of the obviousness rejection of Claims 42, 127, and 185 over Bowman-Amuah in view of McGee, and that the claims be placed in condition for allowance.

5 (VIII) Claims Appendix

1. (Previously presented) A method for modeling a system having one or more components, comprising:

(a) dividing said system into one or more components;

10 (b) defining a plurality of realms, wherein each of said realms contains objects representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the system; wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms;

15 (c) defining associations between said plurality of realms to unify objects in said plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms;

(d) unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms; and

20 (e) processing a function in a first realm of said plurality of realms independent of said other realms of said plurality of realms

(f) propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the
25 function of the first realm in the second realm.

2. (Previously presented) The method of Claim 1, further comprising the step of:

combining results thereof based on said associations of said two or more realms.

3. (Previously presented) The method of Claim 1 wherein said system is an enterprise management system.

5 4. (Previously presented) The method of Claim 1 wherein said realms comprise at least one realm modeling business service components and at least one realm modeling infrastructure components.

 5. (Previously presented) The method of Claim 2 wherein the unified processing identifies infrastructure problems impacting applications, applications impacting services, or
10 infrastructure problems impacting services.

 6. (Previously presented) The method of Claim 1 wherein said system is selected from a group consisting of: an engineering system, a distributed system, and application server system, a networked system, an optical system, a wireless network, an IP network, a layered network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a messaging
15 system, an ERP system, a dynamic system, a static system, a utility computing system, an automatic computing system, a grid system, and on-demand system, and an adaptive system.

 7.- 19. (Cancelled)

 20. (Previously presented) The method of Claim 1 wherein said system comprises a network, and wherein said plurality of realms comprises at least one realm modeling network
20 infrastructure components and at least one realm modeling network security components.

 21. (Previously presented) The method of Claim 1 wherein the step of defining a plurality of realms is performed manually.

 22. (Previously presented) The method of Claim 1 wherein the step of defining a plurality of realms is performed automatically based on given properties of said one or more
25 components.

 23. (Previously presented) The method of Claim 1 wherein the step of defining associations is performed manually.

 24. (Previously presented) The method of Claim 1 wherein the step of defining associations is performed automatically based on given properties of said objects.

5 25. (Previously presented) The method of Claim 1 wherein the step of defining associations comprises identifying objects in different realms representing the same component.

 26. (Previously presented) The method of Claim 25 wherein the objects in different realms are substantially identical.

 27. (original) The method of Claim 25 wherein the objects in different realms are
10 different.

 28. (original) The method of Claim 27 wherein the objects in different realms have different attributes.

 29. (original) The method of Claim 1 wherein step (c) comprises defining a relationship object between objects in different realms.

15 30. (original) The method of Claim 1 wherein said plurality of realms are defined based on selecting subsets of components in said system.

 31. (original) The method of Claim 1 wherein said plurality of realms are defined based on different perspectives of the same component in said system.

 32. (original) The method of Claim 1 wherein said plurality of realms are defined
20 based on different levels of abstraction of the same component in said system.

 33. (Previously presented) The method of claim 2 wherein said unified processing is selected from the group consisting of: monitoring, analyzing, control, simulation, visualization, configuration, provisioning and design of said system.

 34. – 41 (Cancelled).

25 42. (Previously presented) The method of claim 2 wherein said unified processing is selected from a group consisting: root cause analysis of events in said system, and correlation of events in said system.

 43. (cancelled)

5 44. (Previously presented) The method of Claim 1 wherein the step of dividing said system comprises the step of:

 defining said plurality of realms based on one or more models of said system or portions thereof.

 45. (Original) The method of Claim 44 wherein said realms are defined by adding
10 associations to one or more pre-existing models of the system.

 46. – 61 (Cancelled).

 62. (Previously presented) A model of a system having one or more components, the model comprising:

 a plurality of realms having objects representing attributes and relationships of
15 one or more of components or relationships between components, wherein said one or more components represented include at least one physical element of the system

 associations between realms sufficient to unify objects in the realms, wherein said associations represent at least one object common to at least two of said realms,

 a function in a realm independent of said other realms, and

20 a behavior of one of the unified objects of one realm, based on the function, is propagated to said unified object of another realm using at least one association between the one realm and the another realm.

 63. (Cancelled)

 64. (Previously presented) The model of Claim 62 wherein the objects corresponding
25 to said associations in different realms are substantially identical.

 65. (Previously presented) The model of Claim 62 wherein the objects corresponding to said associations in different realms are different.

5 66. (Original) The model of Claim 65 wherein the objects in different realms have different attributes.

 67. (Original) The model of Claim 62 wherein said associations comprise a relationship object between objects in different realms.

 68. (Original) The model of Claim 62 wherein said plurality of realms are defined
10 based on selecting subsets of components in said system.

 69. (Original) The model of Claim 62 wherein said plurality of realms are defined based on different perspectives of the same component in said system.

 70. (Original) The model of Claim 62 wherein said plurality of realms are defined based on different levels of abstraction of the same component in said system.

15 71. (Original) The model of Claim 62 wherein said system is an enterprise management system.

 72. (Previously presented) The model of Claim 62 wherein said realms comprise one or more business service realms, one or more application realms, and/or one or more infrastructure realms.

20 72. (Cancelled)

 72a. (Cancelled)

 73. (Previously presented) The model of Claim 62 wherein said system is selected from the group consisting of: an engineering system, a distributed system, an application server system a networked system, an optical network, a wireless network, an IP network, a layered
25 network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a messaging system, an ERP system, a dynamic system, a static system, a utility computing system, an autonomic computing system, a grid system, an on-demand system or an adaptive system.

 74. – 86. (Cancelled)

5 87. (Original) The model of Claim 62 wherein said system comprises a network, and wherein said plurality of realms comprises at least one realm modeling network infrastructure components and at least one realm modeling network security components.

 88. (Previously presented) A computer program product in computer-readable media for modeling a system having one or more components, the computer program product
10 comprising instructions for causing a computer to:

 (a) divide said system into one or more components wherein components include at least one physical element of the system;

 (b) define a plurality of realms including objects therein representing attributes and relationships of said one or more components, wherein said one or more components represented
15 include at least one physical element of the system

 (c) define associations between realms sufficient to unify the realms, wherein said associations represent at least one object common to at least two of said realms;

 (d) unify objects in the realms based on said associations;

 (e) process a function in a realm independent of said other realms, and based on said
20 process; and

 (f) propagate a behavior of one of the unified objects of one realm to said unified object of another realm using at least one association between the one realm and the another realm.

 89. (Previously presented) The computer program product of Claim 88 further
25 comprising instructions for causing the computer to:

 perform unified processing of two or more realms by performing processing in each of said two or more realms, and combining results thereof based on said associations of said two or more realms.

5 90. (Previously presented) The computer program product of Claim 88 wherein said system is an enterprise management system.

 91. (Previously presented) The computer program product of Claim 88 wherein said realms comprise at least one realm modeling business service components and at least one realm modeling infrastructure components.

10 92. (Previously presented) The computer program product of Claim 88 wherein the unified processing identifies infrastructure problems impacting applications, applications impacting business services, or infrastructure problems impacting business services.

 93. (Previously presented) The computer program product of Claim 88 wherein said system is selected from the group consisting of: an engineering system, a distributed system, an application server system, a networked system, an optical network, a wireless network, an IP network, a layered network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a messaging system, an ERP system, a dynamic system, a static system, a utility computing system, an autonomic computing system, a grid system, an on-demand system or an adaptive system.

20 94. – 106. (Cancelled)

 107. (Previously presented) The computer program product of Claim 88 wherein said system comprises a network, and wherein said plurality of realms comprises at least one realm modeling network infrastructure components and at least one realm modeling network security components.

25 108. (Previously presented) The computer program product of Claim 88 wherein the step of dividing is performed automatically based on given properties of said one or more components.

 109. (Previously presented) The computer program product of Claim 88 wherein the step of defining associations is performed automatically based on given properties of said objects.

5 110. (Previously presented) The computer program product of Claim 88 wherein the step of defining associations comprises identifying objects in different realms representing the same component.

 111. (Previously presented) The computer program product of Claim 110 wherein the objects in different realms are substantially identical.

10 112. (Original) The computer program product of Claim 110 wherein the objects in different realms are different.

 113. (Original) The computer program product of Claim 112 wherein the objects in different realms have different attributes.

 114. (Original) The computer program product of Claim 88 wherein (c) comprises
15 defining a relationship object between objects in different realms.

 115. (Original) The computer program product of Claim 88 wherein said plurality of realms are defined based on selecting subsets of components in said system.

 116. (Original) The computer program product of Claim 88 wherein said plurality of realms are defined based on different perspectives of the same component in said system.

20 117. (Original) The computer program product of Claim 88 wherein said plurality of realms are defined based on different levels of abstraction of the same component in said system.

 118. (Previously presented) The computer program product of Claim 89 wherein said unified processing is selected from a group consisting of: monitoring, analyzing, control, simulation, visualization, configuration, provisioning and design of said system.

25 119. – 126. (Cancelled)

 127. (Previously presented) The computer program product of Claim 89 wherein said unified processing is selected from a group consisting of root cause analysis of events in said system, and correlation of events in said system.

 128. (Cancelled)

5 129. (Previously presented) The computer program product of Claim 88 wherein the step of dividing comprises defining said plurality of realms based on one or more models of said system or portions thereof.

 130. (Original) The computer program product of Claim 129 wherein said realms are defined by adding associations to said one or more models.

10 131. – 146. (Cancelled)

 147. (Previously presented) An apparatus for modeling a system having one or more components, the apparatus comprising:

 (a) means for dividing said system into one or more components wherein components include at least one physical element of the system;

15 (b) means for defining a plurality of realms including objects therein representing attributes and relationships of said one or more components, wherein said one or more components represented include at least one physical element of the system;

 (c) means for defining associations between realms sufficient to unify the realms, wherein said associations represent at least one object common to at least two of said realms;

20 (d) means for unifying objects in the realms based on said associations;

 (e) means for processing a function in a realm independent of said other realms, and based on said processing means;and

 (f) means for propagating a behavior of one of the unified objects of one realm to said unified object of another realms using at least one association between the one realm and the
25 another realm.

 148. (Previously presented) The apparatus of Claim 147 further comprising means for unified processing of two or more realms by performing processing in each of said two or more realms, and combining results thereof based on said associations of said two or more realms.

5 149. (Previously presented) The apparatus of Claim 147 wherein said system is an enterprise management system.

 150. (Previously presented) The apparatus of Claim 147 wherein said realms comprise one or more business service realms, one or more application realms, and/or one or more infrastructure realms.

10 151. (Previously presented) The apparatus of Claim 147 wherein the combined results identify infrastructure problems impacting applications, applications impacting business services, or infrastructure problems impacting business services.

 150. (Cancelled)

 151. (Cancelled)

15 152. (Previously presented) The apparatus of Claim 147 wherein said system is selected from the group consisting of: an engineering system, a distributed system, an application server system, a networked system, an optical network, a wireless network, an IP network, a layered network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a messaging system, an ERP system, a dynamic system, a static system, a utility computing
20 system, an autonomic computing system, a grid system, an on-demand system or an adaptive system.

 153. – 164. (Cancelled)

 165. (Previously presented) The apparatus of Claim 147 wherein said system comprises a network, and wherein said plurality of realms comprises at least one realm modeling
25 network infrastructure components and at least one realm modeling network security components.

 166. (Previously presented) The apparatus of Claim 147 wherein the step of dividing is performed automatically based on given properties of said one or more components.

 167. (Previously presented) The apparatus of Claim 147 wherein the step of defining
30 associations is performed automatically based on given properties of said objects.

5 168. (Previously presented) The apparatus of Claim 147 the step of defining associations comprises:

 means for identifying objects in different realms representing the same component.

 169. (Previously presented) The apparatus of Claim 168 wherein the objects in different realms are substantially identical.

10 170. (Original) The apparatus of Claim 168 wherein the objects in different realms are different.

 171. (Original) The apparatus of Claim 170 wherein the objects in different realms have different attributes.

 172. (Previously presented) The apparatus of Claim 147 wherein the step of defining associations comprises means for defining a relationship object between objects in different realms.

 173. (Original) The apparatus of Claim 147 wherein said plurality of realms are defined based on selecting subsets of components in said system.

20 174. (Original) The apparatus of Claim 147 wherein said plurality of realms are defined based on different perspectives of the same component in said system.

 175. (Original) The apparatus of Claim 147 wherein said plurality of realms are defined based on different levels of abstraction of the same component in said system.

 176. (Previously presented) The apparatus of Claim 148 wherein unified processing is selected from the group consisting of: monitoring, analyzing said system.

25 177. (Original) The apparatus of Claim 148 unified processing comprises analyzing said system.

 178. – 184 (Cancelled)

5 185. (Previously presented) The apparatus of Claim 148 wherein unified processing is selected from a group consisting of: root cause analysis of events in said system and correlation of events in said system.

 186. (Cancelled)

 187. (Previously presented) The apparatus of Claim 147 wherein the step of dividing
10 comprises means for defining said plurality of realms based on one or more models of said system or portions thereof.

 188. (Original) The apparatus of Claim 187 wherein said realms are defined by adding associations to said one or more models.

 189. – 204. (Cancelled)

15 205. (Previously presented) An apparatus for performing processing relating to a system having a plurality of components, comprising:

 (a) a storage device for storing a model of the system, the model comprising a plurality of realms having objects therein representing attributes and relationships of said one or more components or relationships between components , wherein said one or more components
20 include at least one physical element of the system; and associations between realms sufficient to unify objects in the realms, wherein associations represent at least one object common to at least two of said realms; and

 (b) means for unified processing of two or more realms by performing processing of a function in a realm independent of said other realms in each of said two or more realms,
25 combining results thereof based on said associations of said two or more realms and based on said processing propagating a behavior of one of the unified objects of one realm to said unified object of another realms using at least one association between the one realm and the another realm.

 206. (Original) The apparatus of Claim 205 wherein said system is an enterprise
30 management system.

5 207. (Previously presented) The apparatus of Claim 205 wherein said realms comprise at least one realm modeling business service components and at least one realm modeling infrastructure components.

 208. (Previously presented) The apparatus of Claim 205 wherein the unified processing identifies infrastructure problems impacting applications, applications impacting business
10 services, or infrastructure problems impacting business services.

 209. (Previously presented) The apparatus of Claim 205 wherein said system is selected from a group consisting of: an engineering system, a distributed system, an application server system, a networked system, an optical network, a wireless network, an IP network, a layered network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a
15 messaging system, an ERP system, a dynamic system, a static system, a utility computing system, an autonomic computing system, a grid system, an on-demand system or an adaptive system.

 210. – 222. (Cancelled)

 223. (Original) The apparatus of Claim 205 wherein said system comprises a network,
20 and wherein said plurality of realms comprises at least one realm modeling network infrastructure components and at least one realm modeling network security components.

 224. (Previously presented) The apparatus of Claim 205 wherein unified processing is selected from a group consisting of: monitoring, analyzing, control, simulation, visualization, configuration, provisioning and design of said system.

25 225. – 232. (Cancelled)

 233. (Previously presented) The apparatus of Claim 205 wherein unified processing is selected from a group consisting of: root cause analysis of events in said system, and correlation of events in said system.

 234. (Cancelled)

30 235. (Cancelled)

5 236. (Previously presented) A method of modeling a system having one or more components, comprising:

 (a) defining a plurality of realms including objects therein representing attributes and relationships of said one or more components , wherein said one or more components include at least one physical element of the system;

10 (b) creating associations between realms sufficient to unify the realms, wherein said associations represent at least one object common to at least two of said realms;

 (c) unifying objects in the realms;

 (d) unified processing of two or more realms by performing processing of a function in each of said two or more realms independent of said other realms, combining results thereof
15 based on said associations of said two or more realms, and propagating a behavior of one of the unified objects of one realm to said unified object of another realms using at least one association between the one realm and the another realm.

 237. (Cancelled)

 238. (Previously presented) The method of Claim 236 wherein said system is an
20 enterprise management system.

 239. (Previously presented) The method of Claim 236 wherein said realms comprise at least one realm modeling business service components and at least one realm modeling infrastructure components.

 240. (Previously presented) The method of Claim 236 wherein said realms further
25 include at least one realm modeling application components.

 241. (Previously presented) The method of Claim 236 wherein said system is selected from a group consisting of: an engineering system, a distributed system, an application server system, a networked system, an optical network, a wireless network, an IP network, a layered network, a Multi-Protocol Label Switching Virtual Private Network (MPLS VPN), a messaging

5 system, an ERP system, a dynamic system, a static system, a utility computing system, an
autonomic computing system, a grid system, an on-demand system or an adaptive system.

242. – 254. (Cancelled)

255. (Previously presented) The method of Claim 236 wherein said system comprises a
network, and wherein said plurality of realms comprises at least one realm modeling network
10 infrastructure components and at least one realm modeling network security components.

256. (Previously presented) The method of Claim 236 wherein the step of defining is
performed manually.

257. (Previously presented) The method of Claim 236 wherein the step of defining is
performed automatically based on given properties of said components.

15 258. (Previously presented) The method of Claim 236 wherein the step of creating
associations is performed manually.

259. (Previously presented) The method of Claim 236 wherein the step of creating
associations is performed automatically based on given properties of said objects.

260. (Previously presented) The method of Claim 236 wherein the step of creating
20 associations comprises identifying objects in different realms representing the same component.

261. (Previously presented) The method of Claim 260 wherein the objects in different
realms are substantially identical.

262. (Original) The method of Claim 261 wherein the objects in different realms are
different.

25 263. (Original) The method of Claim 262 wherein the objects in different realms have
different attributes.

264. (Previously presented) The method of Claim 236 wherein step of defining
comprises defining a relationship object between objects in different realms.

5 265. (Original) The method of Claim 236 wherein said plurality of realms are defined based on selecting subsets of components in said system.

 266. (Original)The method of Claim 236 wherein said plurality of realms are defined based on different perspectives of the same component in said system.

 267. (Original)The method of Claim 236 wherein said plurality of realms are defined
10 based on different levels of abstraction of the same component in said system.

 268. (Previously presented) The method of claim 236 wherein said unified processing is selected from the group consisting of: monitoring, analyzing, control, simulation, visualization, configuration, provisioning and design of said system.

 269. – 275. (Cancelled)

15 276. (Previously presented) The method of claim 236 wherein said unified processing comprises propagation of behaviors of said system across realms.

 277. (Previously presented) The method of claim 236 wherein said unified processing is selected from a group consisting of: root cause analysis of events in said system, and correlation of events in said system.

20 278. (Cancelled)

 279. (Previously presented)The method of Claim 236 wherein the step of defining comprises defining said plurality of realms based on one or more models of said system or portions thereof.

 280. (Original) The method of Claim 279 wherein said realms are defined by adding
25 associations to said one or more models.

 281. – 296. (Cancelled)

 297. (Original) The method of Claim 4 wherein said realms further include at least one realm modeling application components.

5 298. (Previously presented)The method of Claim 2 wherein the unified processing identifies infrastructure problems impacting business services.

 299. (Previously presented)The method of Claim 1 wherein the step of unifying is performed manually.

 300. (Previously presented)The method of Claim 1 wherein the step of unifying is
10 performed automatically.

 301. (Previously presented) The method of claim 2 wherein said unified processing comprises event correlation of said system.

 302. (Cancelled)

 303. (Original) The computer program product of Claim 91 wherein said realms
15 further include at least one realm modeling application components.

 304. (Previously presented)The computer program product of Claim 91 wherein the unified processing identifies infrastructure problems impacting services.

 305. (Original) The computer program product of claim 89 wherein said unified processing comprises for event correlation of said system.

20 306. (Previously presented)The apparatus of Claim 147 wherein said realms further include at least one realm modeling application components.

 307. (Previously presented)The apparatus of Claim 148 wherein the unified processing identifies infrastructure problems impacting applications, applications impacting services, or infrastructure problems impacting services.

25 308. (Original) The apparatus of Claim 148 wherein said unified processing comprises event correlation of said system.

 309. (Previously presented)The apparatus of Claim 205 wherein said realms further include at least one realm modeling application components.

5 310. (Previously presented)The apparatus of Claim 205 wherein the unified processing identifies infrastructure problems impacting services.

 311. (Original) The apparatus of Claim 205 wherein said unified processing comprises event correlation of said system.

 312. (Previously presented) The method of Claim 236 wherein the unified processing
10 identifies infrastructure problems impacting applications, applications impacting services, or infrastructure problems impacting services.

 313. (Previously presented) The method of Claim 236 wherein the unified processing identifies infrastructure problems impacting services.

 314. (Previously presented) The method of Claim 236 wherein said unified processing
15 comprises event correlation of said system.

 315. (Previously presented)The method of Claim 236 wherein the step of unifying is performed manually.

 316. (Previously presented)The method of Claim 236 wherein the step of unifying is performed automatically.

20 317. (Previously Presented) The model of claim 72 wherein said realms further include at least one realm modeling application components.

 318. (Previously presented) The apparatus of claim 147 wherein said realms comprise at least one realm modeling business service components and at least one realm modeling infrastructure components.

25 319. (Previously presented) The apparatus of claim 147 wherein the unified processing identifies infrastructure problems impacting services.

5 **(IX) Evidence Appendix**

A. U.S. Patent No. 6,289,382 to Bowman-Aman entitled System, Method and Article of Manufacture for a Globally Addressable Interface in a Communication Service patterns Environment cited by the Examiner in the Office Action dated 8/17/2009.

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B. U.S. Publication by Semeria, entitled Multiprotocol Label Switching: Enhancing Routing in the New Public Network cited by the Examiner in the Office Action dated 8/17/2009.

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C. U.S. Patent Application Publication No. 2003/0079160 to McGee, entitled System and Methods for Adaptive Threshold Determination for Performance Metrics cited by the Examiner in the Office Action dated 8/17/2009.

D. Office Action dated 8/17/2009

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E. U.S. Patent Application Publication No. 2005/0021742 to Yemeni entitled Method and Apparatus for Multi-Realm System Modeling.

5 (X) **Related Proceedings Appendix**

None

5 (XI) **Conclusion**

For the reasons given above, Applicants respectfully assert that the rejection of all pending claims is unwarranted and improper. Accordingly, Applicants respectfully request removal of the anticipation rejection of Claims 1-5, 20-33, 44-45, 88-92, 107-118, 129-130, 147-151, 165-177, 187-188, in view of Bowman-Amuah and for the removal of the obviousness rejection of Claims 6, 93, and 152 over Bowman-Amuah in view of Semeria, and for the removal of the obviousness rejection of Claims 42, 127, and 185 over Bowman-Amuah in view of McGee.

Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

15 Respectfully Submitted,

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